IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 9TH FEBRUARY 2007 / 20TH MAGHA 1928

WP(C).No. 4309 of 2007(K)

PETITIONER:

ABDUL SALAM,
S/O.ABDULLA RAWATHER, PUTHANPURAYIL VEEDU,
KONNI, PATHANAMTHITTA DISTRICT, NOW RESIDING AT
105/C, VIKAS NAGAR, PATTATHANAM P.O., KOLLAM.

BY ADV. SRI.SAJEEV KUMAR K.GOPAL
SRI.BINOY VASUDEVAN

RESPONDENTS:
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1. THE SUB INSPECTOR OF POLICE,
KONNI POLICE STATION, PATHANAMTHITTA DISTRICT.

2. DR.ABDUL ASSISS, S/O.ABDULLA RAWTHER,
HOUSE NO.146, VALLIKKEEZHU NAGAR, POOMBAZHA,
KAVANADU P.O., KOLLAM DISTRICT.

R1 BY G.P. SHRI P.A. SALIM

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B. Koshy & T.R. Ramachandran Nair, JJ.

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W.P.(C).NO.4309 of 2007-K

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Dated this the 9th day of February, 2007

JUDGMENT

Koshy, J.

This is a petition for police protection. According to the petitioner, his wife purchased one cent of property and a shop room from one Mohammed Ismail. Therefore, the petitioner and his wife are the absolute owners in possession of 20.75 cents of property along with the shop room. The second respondent is objecting for demolishing the shop room. According to the petitioner, the second respondent has no right to make such obstruction. In a petition under Article 226 of the Constitution, we are not deciding the questions of ownership, possession, etc. If the petitioner's right is infringed, he has to seek remedy from the civil Court and disputed questions will not be decided in a petition under Article 226 of the Constitution of India. However, police is directed to see that law and order is maintained, without prejudice to the rights of the parties in approaching civil Court.

The writ petition is disposed of as above.

(J.B. Koshy, Judge.)

(T.R. Ramachandran Nair, Judge.)